

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRAHAM CHASE ROBINSON

Plaintiff,

v.

**ROBERT DE NIRO and
CANAL PRODUCTIONS, INC.,**

Defendants.

Case No. 1:19-cv-09156-LJL-KHP

DECLARATION OF ALEXANDRA HARWIN, ESQ.
IN SUPPORT OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

ALEXANDRA HARWIN, Esq. hereby declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Partner and Executive Chair of the Discrimination and Harassment Practice Group at the law firm of Sanford Heisler Sharp, LLP, which is counsel to Plaintiff Graham Chase Robinson (“Plaintiff”) in the above-captioned matter. I am fully familiar with the pleadings and proceedings in this action and with the matters set forth herein. I submit this Declaration in support of Plaintiff’s Motion for Summary Judgment on Defendant Canal’s Counterclaims.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition of Defendant Robert De Niro, taken on April 4, 2022, with corresponding errata.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the deposition of Defendant Robert De Niro, taken on April 5, 2022, with corresponding errata.

4. Attached as Exhibit 3 is a true and correct copy of excerpts from the deposition of Defendant Robert De Niro, taken on October 21, 2022.

5. Attached as Exhibit 4 is a true and correct copy of excerpts from the deposition of Canal Production, Inc.'s ("Canal's") accountant Michael Tasch, taken on April 7, 2022. Mr. Tasch testified in his capacity as Canal's Rule 30(b)(6) witness on pages 313 through 412.

6. Attached as Exhibit 5 is a true and correct copy of excerpts from the deposition of Canal's General Counsel Tom Harvey, taken on March 29, 2022. Mr. Harvey testified in his capacity as Canal's Rule 30(b)(6) witness on pages 44 through 415.

7. Attached as Exhibit 6 is a true and correct copy of excerpts from the deposition of Canal's General Counsel Tom Harvey, taken on August 17, 2022, with corresponding errata. Throughout this deposition, Mr. Harvey testified in his capacity as Canal's Rule 30(b)(6) witness.

8. Attached as Exhibit 7 is a true and correct copy of excerpts from the deposition of Robin Chambers, taken on January 13, 2022.

9. Attached as Exhibit 8 is a true and correct copy of excerpts from the deposition of Tiffany Chen, taken on March 30, 2022.

10. Attached as Exhibit 9 is a true and correct copy of excerpts from the deposition of Sabrina Weeks-Brittan, taken on January 10, 2022.

11. Attached as Exhibit 10 is a true and correct copy of excerpts from the deposition of Michael Kaplan, taken on March 23, 2022.

12. Attached as Exhibit 11 is a true and correct copy of excerpts from the deposition of Plaintiff Graham Chase Robinson, taken on December 20, 2021.

13. Attached as Exhibit 12 is a true and correct copy of excerpts from the deposition of Plaintiff Graham Chase Robinson, taken on February 9, 2022, with corresponding errata.

14. Attached as Exhibit 13 is a true and correct copy of text messages dated December 23, 2018 to December 25, 2018 involving Graham Chase Robinson and Tiffany Chen, as produced

by Plaintiff at ROBINSON00012120.

15. Attached as Exhibit 14 is a true and correct copy of text messages dated October 26, 2018 involving Graham Chase Robinson and Tiffany Chen, as produced by Plaintiff at ROBINSON00012273 to ROBINSON00012274.

16. Attached as Exhibit 15 is true and correct copy of a text message dated December 25, 2018 involving Graham Chase Robinson and Tiffany Chen, as produced by Plaintiff at ROBINSON00013484.

17. Attached as Exhibit 16 is a true and correct copy of emails dated April 16, 2019 and April 22, 2019 involving Graham Chase Robinson and Michael Kaplan, as produced by Plaintiff at ROBINSON00005067 to ROBINSON00005068.

18. Attached as Exhibit 17 is a true and correct copy of text messages dated January 22, 2019 involving Robert De Niro and Tiffany Chen, as produced by Defendants at CANAL_0048682 to CANAL_0048686.

19. Attached as Exhibit 18 is a true and correct copy of text messages dated March 27, 2019 involving Robert De Niro and Tiffany Chen, as produced by Defendants at CANAL_0048634 to CANAL_0048637.

20. Attached as Exhibit 19 is a true and correct copy of text messages dated March 28, 2019 involving Robert De Niro and Tiffany Chen, as produced by Defendants at CANAL_0048617 to CANAL_0048619.

21. Attached as Exhibit 20 is a true and correct copy of text messages dated April 1, 2019 involving Michael Kaplan and Tiffany Chen, as produced by Defendants at CANAL_0047380 to CANAL_0047384.

22. Attached as Exhibit 21 is a true and correct copy of emails dated April 2, 2019 involving Graham Chase Robinson, Robert De Niro, Tiffany Chen, and Michael Kaplan, as produced by Defendants at CANAL_0034641 to CANAL_0034642.

23. Attached as Exhibit 22 is a true and correct copy of text messages dated April 1, 2019 and April 2, 2019 involving Tiffany Chen and Michael Kaplan, as produced by Defendants at CANAL_0047503 to CANAL_0047509.

24. Attached as Exhibit 23 is a true and correct copy of text messages dated April 6, 2019 and April 7, 2019 involving Michael Kaplan and [REDACTED], as produced by Defendants at CANAL_0047900 to CANAL_0047901.

25. Attached as Exhibit 24 is a true and correct copy of emails dated March 27, 2019 involving Graham Chase Robinson, Tiffany Chen, Michael Kaplan, and Robert De Niro, as produced by Plaintiff at ROBINSON00001347 to ROBINSON00001349.

26. Attached as Exhibit 25 is a true and correct copy of an email dated April 2, 2019 involving Graham Chase Robinson and Robert De Niro, as produced by Plaintiff at ROBINSON00001533.

27. Attached as Exhibit 26 is a true and correct copy of emails dated April 2, 2019 involving Graham Chase Robinson, Robert De Niro, and Tiffany Chen, as produced by Defendants at CANAL_0046685 to CANAL_0046686.

28. Attached as Exhibit 27 is a true and correct copy of text messages dated March 5, 2019 to March 7, 2019 involving Graham Chase Robinson and Tom Harvey, as produced by Plaintiff at ROBINSON00014877.

29. Attached as Exhibit 28 is a true and correct copy of transcribed excerpts of an audio recording dated March 27, 2019 involving Graham Chase Robinson, Robin Chambers, Tom Harvey, and Michael Tasch, as produced by Plaintiff at ROBINSON00007174.

30. Attached as Exhibit 29 is a true and correct copy of a transcribed excerpt of an audio recording dated March 7, 2019 involving Graham Chase Robinson and Michael Tasch, as produced by Plaintiff at ROBINSON00007156.

31. Attached as Exhibit 30 is a true and correct copy of an email dated June 9, 2019 involving Tom Harvey and Graham Chase Robinson, as produced by Plaintiff at ROBINSON00005222.

32. Attached as Exhibit 31 is a true and correct copy of emails dated June 11, 2019 and July 2, 2019 involving Graham Chase Robinson, Robert De Niro, and Tom Harvey, as produced by Plaintiff at ROBINSON00001669 to ROBINSON00001670.

33. Attached as Exhibit 32 is a true and correct copy of text messages dated June 11, 2019 and June 12, 2019 involving Michael Kaplan, Gillian Spear, and Sabrina Weeks-Brittan, as produced by Defendants at CANAL_0047441 to CANAL_0047446.

34. Attached as Exhibit 33 is a true and correct copy of text messages dated July 2, 2019 involving Robert De Niro and Tiffany Chen, as produced by Defendants at CANAL_0048627 to CANAL_0048630.

35. Attached as Exhibit 34 is a true and correct copy of a letter dated July 11, 2019 from Tom Harvey to Graham Chase Robinson, as produced by Plaintiff at ROBINSON00005297 to ROBINSON00005299.

36. Attached as Exhibit 35 is a true and correct copy of text messages dated July 26, 2019 involving Tiffany Chen, Sabrina Weeks-Brittan, Gillian Spear, and Kevin Rivas, as produced by Defendants at CANAL_0048976 to CANAL_0048978.

37. Attached as Exhibit 36 is a true and correct copy of emails dated July 31, 2019 to August 13, 2019 involving Graham Chase Robinson's then-counsel, Jeffrey Pagano, and Canal's counsel, Laurent Drogin, as produced by Defendants at CANAL_0049391 to CANAL_0049398.

38. Attached as Exhibit 37 is a true and correct copy of an email dated August 2, 2019 involving Sabrina Weeks-Brittan, Michael Tasch, Gillian Spear, and Michael Kaplan, as produced by Defendants at CANAL_0050047.

39. Attached as Exhibit 38 is a true and correct copy of text messages dated August 2, 2019 involving Gillian Spear, Sabrina Weeks Brittan, and Michael Kaplan, as produced by Defendants at CANAL_0052575 to CANAL_0052579.

40. Attached as Exhibit 39 is a true and correct copy of the Complaint that Canal Productions, Inc. ("Canal") filed against Graham Chase Robinson in the Supreme Court of the State of New York, file stamped August 17, 2019.

41. Attached as Exhibit 40 is a true and correct copy of the Notice of Discontinuance Without Prejudice that Canal filed discontinuing its lawsuit against Graham Chase Robinson in the Supreme Court of the State of New York, file stamped July 19, 2021.

42. Attached as Exhibit 41 is a true and correct copy of text messages dated August 20, 2019 involving Michael Kaplan and [REDACTED], as produced by Defendants at CANAL_0049479 to CANAL_0049481.

43. Attached as Exhibit 42 is a true and correct copy of text messages dated August 19, 2019 involving Michael Kaplan and [REDACTED], as produced by Defendants at CANAL_0047780 to CANAL_0047781.

44. Attached as Exhibit 43 is a true and correct copy of text messages dated August 15, 2019 to August 16, 2019 involving Gillian Spear, Michael Kaplan, and Sabrina Weeks-Brittan, as produced by Defendants at CANAL_0048105 to CANAL_0048109.

45. Attached as Exhibit 44 is a true and correct copy of text messages dated August 20, 2019 involving Gillian Spear, Sabrina Weeks-Brittan, Kevin Rivas, and Tiffany Chen, as produced by Defendants at CANAL_0047979 to CANAL_0047988.

46. Attached as Exhibit 45 is a true and correct copy of text messages dated August 20, 2019 involving Michael Kaplan and Morgan Billington, as produced by Defendants at CANAL_0047794 to CANAL_0047795.

47. Attached as Exhibit 46 is a true and correct copy of documents (including viewing records) produced by Netflix in response to Defendants' subpoena, as produced by Defendants at Netflix_0001-0000001 to Netflix_0001-0000521. Due to file size limitations for ECF uploads, Exhibit 46 has been split into Exhibits 46A through 46G.

48. Attached as Exhibit 47 is a true and correct copy of text messages dated July 11, 2019 involving Michael Kaplan and Amelia Brain, as produced by Defendants at CANAL_0049181 to CANAL_0049182.

49. Plaintiff's economic expert, Joseph DeCusati, reviewed the contemporaneous time records maintained by Plaintiff, as produced in this action, and calculated that she worked an average of approximately 64 hours per week during the period for which she consistently maintained reasonable time records (beginning with the pay period ending August 28, 2016).

50. Attached as Exhibit 48 is a compilation containing true and correct copies of emails dated December 19, 2018, December 18, 2017, December 12, 2016, December 21, 2015, and December 17, 2014 involving Graham Chase Robinson, Robert De Niro, Michael Tasch, and other personnel at Berdon LLP, as produced by Plaintiff at ROBINSON00009964, ROBINSON00008625-26, ROBINSON00009969, ROBINSON00009971-2, ROBINSON00008228, and ROBINSON00008096.

51. Attached as Exhibit 49 is a true and correct copy of the section entitled “Vacation Claims” of the binder that Canal prepared, containing its documentation of purported wrongdoing by Graham Chase Robinson, as produced by Defendants at CANAL_0052803 to CANAL_0052843.

52. Calendars for past years, showing which dates fell on weekends and holidays, can be accessed here: <https://oldcalendars.com/>.

53. Attached as Exhibit 50 is a compilation containing true and correct copies of work-related emails involving Graham Chase Robinson that correspond to dates when Canal claims that she was on vacation in 2016, as produced by Plaintiff at ROBINSON00017788 to ROBINSON00019322. Due to file size limitations for ECF uploads, Exhibit 50 has been split into Exhibits 50A through 50N.

54. Attached as Exhibit 51 is a compilation containing true and correct copies of work-related emails involving Graham Chase Robinson that correspond to dates when Canal claims that she was on vacation in 2015, as produced by Plaintiff at ROBINSON00017317 to ROBINSON00017785. Due to file size limitations for ECF uploads, Exhibit 51 has been split into Exhibits 51A through 51B.

55. Attached as Exhibit 52 is a compilation containing true and correct copies of work-related emails involving Graham Chase Robinson that correspond to dates when Canal claims that she was on vacation in 2014, as produced by Plaintiff at ROBINSON00016830 to ROBINSON00017312. Due to file size limitations for ECF uploads, Exhibit 52 has been split into Exhibits 52A through 52E.

56. Attached as Exhibit 53 is a true and correct copy of a transcribed excerpt of an audio recording dated June 9, 2019 involving Graham Chase Robinson and Robin Chambers, as produced by Plaintiff at ROBINSON00007230.

57. Attached as Exhibit 54 is a true and correct copy of text messages dated June 17, 2018 involving Graham Chase Robinson and Michael Kaplan, as produced by Defendants at CANAL_0049010 to CANAL_0049011.

58. Attached as Exhibit 55 is a true and correct copy of emails dated February 14, 2018 to March 5, 2018 involving Graham Chase Robinson, Michael Tasch, and Robert De Niro, as produced by Defendants at CANAL_0001433 to CANAL_0001437.


59. Attached as Exhibit 56 is a true and correct copy of the Terms & Conditions pertaining to Delta SkyMiles transfers, as produced by Plaintiff at ROBINSON00016439.

60. Attached as Exhibit 57 is a true and correct copy of a letter dated June 10, 2022, sent by Canal's counsel, Gregory Bennett and Laurent Drogin, to Plaintiff's counsel, Alexandra Harwin and Kate MacMullin.

61. Attached as Exhibit 58 is a true and correct copy of Defendants' Third Amended Response to Plaintiff's Second Set of Interrogatories dated July 27, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2022.



Alexandra Harwin